

**From:** js aal  
**To:** Microsoft ATR  
**Date:** 12/17/01 3:15am  
**Subject:** Proposed settlement is an embaessment to the US/DOJ

Ladies/Gentlemen;

As I reviewed the proposed settlement offered Microsoft in its recent anti-trust suit, I am struck by the lack of any real penalty to Microsoft.

The original trial judge found MS guilty of being a monopolist and ordered a series of remedies. The appeals court did not agree with the remedies, but they did uphold the finding of monopolistic actions. This confirms the need for some sort of penalty or sanction that forces MS to end their monopolistic actions.

The DOJ proposals to settle this case clearly have an odor of a payoff of some sort. MS has hired the right type of Washington, DC attorneys, it has sponsored the right lobbyists, BUT it has yet to admit the monopolistic practices and show some sort of remorse. The company has continued in the same course it has prior to the trial.

DOJ should ask for two things:

1. Disallow the OEM relationship MS has with the makers of personal computers that allows them to ship a unit with MS installed along with along with the placement of unique icons that tie the machine back to other MS products.
2. Force MS to publish the full interface specifications to its Windows operating systems packages. This should be a standard that all other vendors (including other divisions within Microsoft) would use in developing their applications.

There is a precedent for the second penalty, because that is the condition forced upon IBM when it settled with DOJ in one of its several anti-trust cases. IBM continued to prosper as did many of the smaller ancillary companies.

That is anti-trust justice displayed in the past. I hope DOJ and the US Court system has the same courage to do this today.

Have a great Day!

Alex Lukshin

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